

60469-093 PUS1
PA000.05171-USREMARKS

Applicant thanks the Examiner for the remarks contained in the Office Action. Claim 1 is amended to include the subject matter previously presented in claim 4. Claim 4 is cancelled. Claims 12-15 are cancelled. Claim 16 is amended. New claims 21-25 are presented. The other claims have been amended to delete the reference numerals from the claims. Applicant respectfully requests reconsideration of this application.

Applicant respectfully submits that none of the pending claims can be considered anticipated, nor rendered obvious by, the *Soldat* reference (U.S. Patent No. 5,042,641) that was applied against the previous version of the claims.

Applicant respectfully submits that the subject matter presented in claim 1 cannot be considered obvious in view of the *Soldat* reference. Original claim 4, which is now part of claim 1, was rejected under 35 USC §103. There is no reason to incorporate the sound insulating material recited in Applicants' claim 1 into the arrangement of the *Soldat* reference, which is only concerned with cleaning the surface of the steps. The brush 3 in the *Soldat* reference is for cleaning and is not described as being a sound-reducing member. The Examiner's interpretation of the brush as such is based upon considering Applicants' disclosure in the first instance. If one were to only look at the *Soldat* reference, there would be no reason to consider adding a sound insulating material as recited in Applicants' claim 1. Only after having the benefit of Applicants' disclosure that suggests interpreting the brush 3 as a sound-reducing member, could one even possibly argue that adding the sound insulating material of Applicants' claim 1 would somehow be of some benefit or usefulness in the context of the *Soldat* reference. In other words, the only possible way to attempt to justify a modification of the *Soldat* reference to include the sound

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insulating material of Applicants' claim 1 would be based purely on hindsight reasoning, which is not permitted. Applicant respectfully submits that it is not possible to establish a *prima facie* case of obviousness against claim 1 (or any of its dependent claims) based upon the *Soldat* reference.

The brush 3 of the *Soldat* reference is not the same thing as the sound transmission reducing recited in Applicants' claims 16 and 21. For example, *Soldat's* brush is not made of the same material. Therefore, those claims and their dependents cannot be considered anticipated.

It also cannot be considered obvious to modify the brush 3 of the *Soldat* reference to be made of the same material as the steps of that reference because then the brush 3 would not be able to perform its intended function, which is to clean the surface of the step. Such a modification is not permitted as explained in MPEP 2143.01(V) or (VI), for example. None of claims 16-25 can be considered obvious.

The objection to the Abstract should be withdrawn. This case is a national phase of a PCT and the original PCT application filed with the USPTO had the abstract on a separate page. Additionally, a copy of the Abstract on a separate page is submitted with this Response.

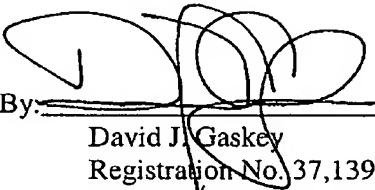
Applicant believes that this case is in condition for allowance. If the Examiner believes that a telephone conference would be useful for moving this case forward to being issued,

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Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS

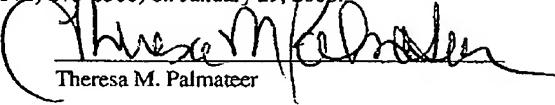
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Dated: January 29, 2008

CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/585,386, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on January 29, 2008.


Theresa M. Palmateer

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